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OFFICE OF PETITIONS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3 Applicant: Alberto Alvarez-Calderon F. Group Art Unit: 3617

4 Serial N^o: 09/672,190 Examiner: E. Swinehart5 Filed: September 28, 2000 Attorney Docket N^o: 1186-001

6 For: TRANSONIC HULL AND HYDROFIELD II

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 C.F.R. § 1.137(b)**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

13 Applicant hereby petitions the Commissioner to revive the above-entitled patent application.

14 Abandonment occurred by applicant's failure to properly submit the Request for Continued
15 Examination which was submitted on January 27, 2004 in response to the Notice of Refusal to Enter
16 New Amendment sent from the Patent Office on December 1, 2003.

17 The Commissioner is hereby informed that the abandonment of the above application was
18 unintentional. Applicant submitted a Request for Continued Examination on January 27, 2004 and
19 did not realize that the rejection of the submitted Amendment also resulted in abandonment of the
20 application. Applicant's attorney first became aware of the mistake when the Notice of Improper
21 Request for Continued Examination was received on or about February 25, 2004 from Examiner
22 Swinehart. Applicant's attorney communicated this new information to applicant, who travels
23 extensively between Peru and the United States. Communication between Applicant and Applicant's
24 attorney is sporadic at best, and thus this Petition is being filed at the earliest date that funds and
25 arrangements could be made to support this filing, and as such the entire delay in filing the Petition
26 is unintentional. In support of that statement, Applicant would respectfully direct the
27 Commissioner's attention to the file wrapper, which clearly details the numerous extensions and late
28 filings which have been required during the prosecution of this application. Applicant thus

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1 respectfully requests that the present petition be accepted and granted in order to reopen and continue
2 prosecution of the instant application.

3 It is respectfully requested by Applicant that the previously submitted RCE and
4 accompanying fee be applied to the instant application once the Petition to Revive is hopefully
5 granted. Applicant's attorney will gladly provide any assistance necessary to remedy this situation,
6 and he may be reached at the address and telephone numbers shown below.

7 Also enclosed herewith is a check in the amount of six hundred sixty-five dollars (\$665.00)
8 as filing fee for a Petition for Revival for an Unintentionally Abandoned Application, as specified
9 in 37 C.F.R. § 1.17(m) for a small entity. Revival and reconsideration of this application is thus
10 respectfully requested.

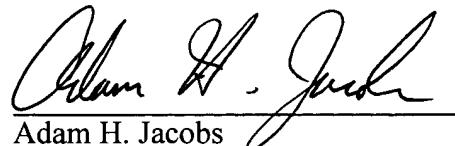
11 Respectfully submitted,



12
13 Adam H. Jacobs
14 Registration № 37,854
15 Law Offices of Adam H. Jacobs
16 1904 Farnam Street, Suite 726
17 Omaha, Nebraska 68102
18 Attorney for Petitioner

19 CERTIFICATE OF MAILING

20 I hereby certify that this Petition to Revive an Unintentionally Abandoned Application
21 pursuant to 37 C.F.R. § 1.137(b) for a TRANSONIC HULL AND HYDROFIELD (PART II), Serial
22 № 09/672,190, was mailed by first class mail, postage prepaid, to the Attention: Office of Petitions,
23 Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this
24 20th day of April, 2004.



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Adam H. Jacobs

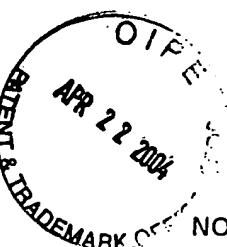


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NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on _____ is improper for reason(s) indicated below:

- 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on 11/20/03. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Edwin Swinhart, Examining Group 3600

(703) 30 8-2560

FORM PTO-2051 (Rev. 3/2001)